



**SENATE SUBSTITUTE AMENDMENT 2,  
TO 2009 SENATE BILL 66**

1     **AN ACT** *to repeal* 342.12 (4) (c) 1. b., 343.301 (1) (title) and (a), 343.301 (2), 346.65  
2           (6), 346.65 (8), 973.09 (1) (d) 1., 973.09 (1) (d) 2. and 973.09 (1) (d) 3.; ***to***  
3           ***renumber and amend*** 343.301 (1) (c), 343.301 (1) (d), 346.65 (2) (f) and 973.09  
4           (1) (d) (intro.); ***to consolidate, renumber and amend*** 343.301 (1) (b) 1. and  
5           2.; ***to amend*** 165.755 (1) (b), 302.46 (1) (a), 340.01 (46m) (c), 342.12 (4) (c) 1. c.,  
6           342.13 (1), 343.10 (2) (a) (intro.), 343.10 (5) (a) 3., 343.23 (2) (b), 343.30 (1q) (b)  
7           2., 343.30 (1q) (b) 3., 343.30 (1q) (b) 4., 343.30 (1q) (c) 1. (intro.), 343.301 (title),  
8           343.305 (8) (b) 5. (intro.), 343.305 (8) (c) 5., 343.38 (2), 343.39 (1) (a), 345.47 (1)  
9           (c), 346.65 (2) (am) 3., 346.65 (2) (am) 4., 346.65 (2) (am) 6., 346.65 (2) (am) 7.,  
10          346.65 (2) (bm), 346.65 (2) (cm), 346.65 (2c), 346.65 (2g) (a), 346.65 (2g) (ag),  
11          346.65 (2j) (am) 3., 346.65 (2j) (bm), 346.65 (2j) (cm), 346.65 (2q), 346.65 (3m),  
12          346.65 (3r), 346.65 (7), 346.655 (1), 347.413 (title) and (1), 347.417 (1), 347.417  
13          (2), 347.50 (1s), 757.05 (1) (a), 814.60 (1), 814.63 (1) (c), 814.63 (2), 814.65 (1),

814.85 (1) (a), 814.86 (1), 969.01 (2) (a) and 973.15 (8) (a) 3.; ***to repeal and recreate*** 343.10 (2) (a) (intro.), 343.23 (2) (b), 343.305 (10m), 814.65 (1), 814.85 (1) (a), 814.86 (1), 940.09 (1d) and 940.25 (1d); ***to create*** 20.410 (1) (bd), 25.40 (1) (a) 3m., 110.10 (4m), 301.03 (20r), 303.08 (10r), 343.10 (2) (f), 343.21 (1) (jr), 343.30 (1r), 343.301 (1g), 343.301 (1m), 343.301 (3) (b), 343.301 (5), 343.305 (10g), 343.31 (4), 346.65 (2) (am) 4m., 346.65 (2) (dm), 346.65 (2) (f) 1., 346.65 (2j) (cr), 346.65 (3p), 347.50 (1t), 814.75 (9m), 814.76 (7m), 814.78 (7m), 814.79 (4r), 973.05 (2m) (rm) and 973.09 (2) (am) of the statutes; and ***to affect*** 2007 Wisconsin Act 20, section 9201 (1c) (a) and 2009 Wisconsin Act 2, section 9201 (1) (b); **relating to:** operating a vehicle while intoxicated, granting rule-making authority, making an appropriation, and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1g.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

**20.410 Corrections, department of**

(1) ADULT CORRECTIONAL SERVICES

(bd) Services for drunken driving

offenders	GPR	A	–0–	6,600,000
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**SECTION 1m.** 20.410 (1) (bd) of the statutes is created to read:

**20.410 (1) (bd)** *Services for drunken driving offenders.* The amounts in the schedule to provide community probation supervision, to fund a monitoring center,

1 and to fund enhanced community treatment for persons convicted of a 2nd or 3rd  
2 offense related to driving while intoxicated.

3 **SECTION 1r.** 25.40 (1) (a) 3m. of the statutes is created to read:

4 25.40 **(1)** (a) 3m. Revenues collected under s. 343.21 (1) (jr) which shall be paid  
5 into the general fund.

6 **SECTION 2.** 110.10 (4m) of the statutes is created to read:

7 110.10 **(4m)** Requiring ignition interlock device providers operating in this  
8 state to accept, as payment in full for equipping a motor vehicle with an ignition  
9 interlock device and for maintaining the ignition interlock device, the amount  
10 ordered by the court under s. 343.301 (3) (b), if applicable.

11 **SECTION 3.** 165.755 (1) (b) of the statutes is amended to read:

12 165.755 **(1)** (b) A court may not impose the crime laboratories and drug law  
13 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar),  
14 (bm), (br), or (bv) or (5) (b), ~~for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1.,~~  
15 ~~346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood~~  
16 ~~alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~  
17 or for a violation of a state law or municipal or county ordinance involving a  
18 nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use  
19 violation under s. 347.48 (2m).

20 **SECTION 3m.** 301.03 (20r) of the statutes is created to read:

21 301.03 **(20r)** Provide probation, assessment, treatment, and other community  
22 treatment options for persons convicted of a 2nd or 3rd offense counted under s.  
23 343.307 (1) with no waiting list for services. If the moneys appropriated under s.  
24 20.410 (1) (bd) are not sufficient to fully fund the services with no waiting list, the  
25 department shall notify the joint committee on finance.

**SECTION 4.** 302.46 (1) (a) of the statutes is amended to read:

302.46 **(1)** (a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~or for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation,~~ or for a violation of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

**SECTION 5.** 303.08 (10r) of the statutes is created to read:

303.08 **(10r)** The sheriff may not permit a prisoner who is subject to an order under s. 343.301 (1g) to leave the jail under sub. (1) unless, within 2 weeks after the court issues the order, the person submits proof to the sheriff that an ignition interlock device has been installed in each motor vehicle to which the order applies.

**SECTION 6.** 340.01 (46m) (c) of the statutes is amended to read:

340.01 **(46m)** (c) If the person is subject to an order under s. 343.301 or if the person has 3 or more prior convictions, suspensions or revocations, as counted under s. 343.307 (1), an alcohol concentration of more than 0.02.

**SECTION 7.** 342.12 (4) (c) 1. b. of the statutes is repealed.

**SECTION 8.** 342.12 (4) (c) 1. c. of the statutes is amended to read:

1           342.12 **(4)** (c) 1. c. The person requesting the issuance of the certificate of title  
2       files an affidavit with the department attesting that the ~~conditions~~ condition under  
3       subd. 1. a. ~~and b.~~ are is met.

4           **SECTION 9.** 342.13 (1) of the statutes is amended to read:

5           342.13 **(1)** If a certificate of title is lost, stolen, mutilated, or destroyed, or  
6       becomes illegible, the owner or legal representative of the owner named in the  
7       certificate, as shown by the records of the department, shall promptly make  
8       application for and may obtain a replacement upon furnishing information  
9       satisfactory to the department. The replacement certificate of title shall contain a  
10      notation, in a form determined by the department, identifying the certificate as a  
11      replacement certificate that may be subject to the rights of a person under the  
12      original certificate. ~~If applicable under s. 346.65 (6), the replacement certificate of~~  
13      ~~title shall include the notation “Per section 346.65 (6) of the Wisconsin statutes,~~  
14      ~~ownership of this motor vehicle may not be transferred without prior court approval”.~~

15          **SECTION 10.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

16          343.10 **(2)** (a) (intro.) Except as provided in pars. (b) to ~~(e)~~ (f), a person is eligible  
17      for an occupational license if the following conditions are satisfied:

18          **SECTION 11.** 343.10 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin  
19      Act 20 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

20          343.10 **(2)** (a) (intro.) Except as provided in pars. (b) to (f), and subject to s.  
21      343.165 (5), a person is eligible for an occupational license if the following conditions  
22      are satisfied:

23          **SECTION 12.** 343.10 (2) (f) of the statutes is created to read:

24          343.10 **(2)** (f) If the court orders under s. 343.301 (1g) that the person's  
25      operating privilege for the operation of “Class D” vehicles be restricted to operating

1 vehicles that are equipped with an ignition interlock device, no occupational license  
2 may be granted until the person pays the surcharge under s. 343.301 (5) and submits  
3 proof that an ignition interlock device has been installed in each motor vehicle to  
4 which the order under s. 343.301 applies.

5 **SECTION 13.** 343.10 (5) (a) 3. of the statutes is amended to read:

6 343.10 (5) (a) 3. ~~If the applicant has 2 or more prior convictions, suspensions,~~  
7 ~~or revocations, as counted under s. 343.307 (1), the~~ The occupational license of the  
8 applicant shall restrict the applicant's operation under the occupational license to  
9 vehicles that are equipped with a functioning ignition interlock device if the court  
10 has ordered under s. 343.301 (1) (a) 1. ~~or 2.~~ (1g) that the person's operating privilege  
11 for Class D vehicles be restricted to operating vehicles that are equipped with an  
12 ignition interlock device or has ordered under s. 346.65 (6) (a) 1., 1999 stats., that the  
13 motor vehicle owned by the person and used in the violation or improper refusal be  
14 equipped with an ignition interlock device. A person to whom a restriction under this  
15 subdivision applies violates that restriction if he or she removes or disconnects an  
16 ignition interlock device. requests or permits another to blow into an ignition  
17 interlock device or to start a motor vehicle equipped with an ignition interlock device  
18 for the purpose of providing the person an operable motor vehicle without the  
19 necessity of first submitting a sample of his or her breath to analysis by the ignition  
20 interlock device. ~~If, or otherwise tampers with or circumvents the operation of the~~  
21 ignition interlock device. Except as provided in s. 343.301 (3) (b), if the occupational  
22 license restricts the applicant's operation to a vehicle that is equipped with an  
23 ignition interlock device, the applicant shall be liable for the reasonable costs of  
24 equipping the vehicle with the ignition interlock device.

25 **SECTION 14.** 343.21 (1) (jr) of the statutes is created to read:

1           343.21 (1) (jr) In addition to any other fee under this subsection, for  
2           reinstatement of an operating privilege previously revoked or suspended under s.  
3           343.305 (7) or resulting from the commission of an offense listed in s. 343.307, \$140.

4           **SECTION 15.** 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Act 28,  
5           section 2923, is amended to read:

6           343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by  
7           the department so that the complete operator's record is available for the use of the  
8           secretary in determining whether operating privileges of such person shall be  
9           suspended, revoked, canceled, or withheld, or the person disqualified, in the interest  
10          of public safety. The record of suspensions, revocations, and convictions that would  
11          be counted under s. 343.307 (2) shall be maintained permanently, ~~except that the~~  
12          ~~department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)~~  
13          ~~(b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the~~  
14          ~~violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the~~  
15          ~~time of the violation, if the person does not have a commercial driver license, if the~~  
16          ~~violation was not committed by a person operating a commercial motor vehicle, and~~  
17          ~~if the person has no other suspension, revocation, or conviction that would be counted~~  
18          ~~under s. 343.307 during that 10-year period.~~ The record of convictions for  
19          disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10  
20          years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j),  
21          and (L) and all records specified in par. (am), shall be maintained for at least 3 years.  
22          The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall  
23          be maintained permanently, except that 5 years after a licensee transfers residency  
24          to another state such record may be transferred to another state of licensure of the  
25          licensee if that state accepts responsibility for maintaining a permanent record of

1 convictions for disqualifying offenses. Such reports and records may be cumulative  
2 beyond the period for which a license is granted, but the secretary, in exercising the  
3 power of suspension granted under s. 343.32 (2) may consider only those reports and  
4 records entered during the 4–year period immediately preceding the exercise of such  
5 power of suspension.

6 **SECTION 16.** 343.23 (2) (b) of the statutes, as affected by 2009 Wisconsin Acts  
7 28, section 2924, and .... (this act), is repealed and recreated to read:

8 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by  
9 the department so that the complete operator's record is available for the use of the  
10 secretary in determining whether operating privileges of such person shall be  
11 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest  
12 of public safety. The record of suspensions, revocations, and convictions that would  
13 be counted under s. 343.307 (2) shall be maintained permanently. The record of  
14 convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for  
15 at least 10 years. The record of convictions for disqualifying offenses under s.  
16 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained  
17 for at least 3 years. The record of convictions for disqualifying offenses under s.  
18 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a  
19 licensee transfers residency to another state such record may be transferred to  
20 another state of licensure of the licensee if that state accepts responsibility for  
21 maintaining a permanent record of convictions for disqualifying offenses. Such  
22 reports and records may be cumulative beyond the period for which a license is  
23 granted, but the secretary, in exercising the power of suspension granted under s.  
24 343.32 (2) may consider only those reports and records entered during the 4–year  
25 period immediately preceding the exercise of such power of suspension. The



1 department shall maintain the digital images of documents specified in s. 343.165  
2 (2) (a) for at least 10 years.

3 **SECTION 17.** 343.30 (1q) (b) 2. of the statutes is amended to read:

4 343.30 **(1q)** (b) 2. Except as provided in sub. (1r) or subd. 3., 4. or 4m., for the  
5 first conviction, the court shall revoke the person's operating privilege for not less  
6 than 6 months nor more than 9 months. The person is eligible for an occupational  
7 license under s. 343.10 at any time.

8 **SECTION 18.** 343.30 (1q) (b) 3. of the statutes is amended to read:

9 343.30 **(1q)** (b) 3. Except as provided in sub. (1r) or subd. 4m., if the number  
10 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
11 number of other convictions, suspensions, and revocations counted under s. 343.307  
12 (1) within a 10-year period, equals 2, the court shall revoke the person's operating  
13 privilege for not less than one year nor more than 18 months. After the first 60 45  
14 days of the revocation period ~~or, if the total number of convictions, suspensions, and~~  
15 ~~revocations counted under this subdivision within any 5-year period equals 2 or~~  
16 ~~more, after one year of the revocation period has elapsed, the person is eligible for~~  
17 ~~an occupational license under s. 343.10 if he or she has completed the assessment and~~  
18 ~~is complying with the driver safety plan ordered under par. (c).~~

19 **SECTION 19.** 343.30 (1q) (b) 4. of the statutes is amended to read:

20 343.30 **(1q)** (b) 4. Except as provided in sub. (1r) or subd. 4m., if the number  
21 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
22 number of other convictions, suspensions, and revocations counted under s. 343.307  
23 (1), equals 3 or more, the court shall revoke the person's operating privilege for not  
24 less than 2 years nor more than 3 years. After the first 90 45 days of the revocation  
25 period ~~or, if the total number of convictions, suspensions, and revocations counted~~

1 ~~under this subdivision within any 5-year period equals 2 or more, after one year of~~  
2 ~~the revocation period has elapsed, the person is eligible for an occupational license~~  
3 ~~under s. 343.10 if he or she has completed the assessment and is complying with the~~  
4 ~~driver safety plan ordered under par. (c).~~

5 **SECTION 20.** 343.30 (1q) (c) 1. (intro.) of the statutes is amended to read:

6 343.30 **(1q)** (c) 1. (intro.) Except as provided in subd. 1. a. or b., and except for  
7 ~~a first violation of s. 346.63 (1) (b), if the person who committed the violation had a~~  
8 ~~blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the~~  
9 ~~violation,~~ the court shall order the person to submit to and comply with an  
10 assessment by an approved public treatment facility as defined in s. 51.45 (2) (c) for  
11 examination of the person's use of alcohol, controlled substances or controlled  
12 substance analogs and development of a driver safety plan for the person. The court  
13 shall notify the department of transportation of the assessment order. The court  
14 shall notify the person that noncompliance with assessment or the driver safety plan  
15 will result in revocation of the person's operating privilege until the person is in  
16 compliance. The assessment order shall:

17 **SECTION 21.** 343.30 (1r) of the statutes is created to read:

18 343.30 **(1r)** For any revocation the court orders under sub. (1q), the court shall  
19 extend the revocation period by the number of days to which the court sentences the  
20 person to imprisonment in a jail or prison for an offense related to the refusal.

21 **SECTION 22.** 343.301 (title) of the statutes is amended to read:

22 **343.301** (title) **Installation of ignition interlock device or**  
23 **immobilization of a motor vehicle.**

24 **SECTION 23.** 343.301 (1) (title) and (a) of the statutes are repealed.

1           **SECTION 24.** 343.301 (1) (b) 1. and 2. of the statutes are consolidated,  
2           renumbered 343.301 (2m) and amended to read:

3           343.301 **(2m)** The court may shall restrict the operating privilege restriction  
4           under par. (a) 1. sub. (1g) for a period of not less than one year nor more than the  
5           maximum operating privilege revocation period permitted for the refusal or  
6           violation. ~~2. The court shall order the operating privilege restriction and the~~  
7           ~~installation of an ignition interlock device under par. (a) 2. for a period of not less than~~  
8           ~~one year nor more than the maximum operating privilege revocation period~~  
9           ~~permitted for the refusal or violation, beginning one year after the operating~~  
10          ~~privilege revocation period begins~~ on the date the department issues any license  
11          granted under this chapter, except that if the maximum operating privilege  
12          revocation period is less than one year, the court shall restrict the operating privilege  
13          under sub. (1g) for one year. The court may order the installation of an ignition  
14          interlock device under sub. (1g) immediately upon issuing an order under sub. (1g).

15          **SECTION 25.** 343.301 (1) (c) of the statutes is renumbered 343.301 (3) (a) and  
16          amended to read:

17          343.301 **(3)** (a) If Except as provided in par. (b), if the court enters an order  
18          under par. (a) sub. (1g), the person shall be liable for the reasonable cost of equipping  
19          and maintaining any ignition interlock device installed on his or her motor vehicle.

20          **SECTION 26.** 343.301 (1) (d) of the statutes is renumbered 343.301 (4) and  
21          amended to read:

22          343.301 **(4)** A person to whom an order under par. (a) sub. (1g) applies violates  
23          that order if he or she fails to have an ignition interlock device installed as ordered,  
24          removes or disconnects an ignition interlock device, requests or permits another to  
25          blow into an ignition interlock device or to start a motor vehicle equipped with an

1 ignition interlock device for the purpose of providing the person an operable motor  
2 vehicle without the necessity of first submitting a sample of his or her breath to  
3 analysis by the ignition interlock device, or otherwise tampers with or circumvents  
4 the operation of the ignition interlock device.

5 **SECTION 27.** 343.301 (1g) of the statutes is created to read:

6 343.301 **(1g)** A court shall order a person's operating privilege for the operation  
7 of "Class D" vehicles be restricted to operating vehicles that are equipped with an  
8 ignition interlock device and, except as provided in sub. (1m), shall order that each  
9 motor vehicle for which the person's name appears on the vehicle's certificate of title  
10 or registration be equipped with an ignition interlock device if either of the following  
11 applies:

12 (a) The person improperly refused to take a test under s. 343.305.

13 (b) The person violated s. 346.63 (1) or (2), 940.09 (1), or 940.25 and either of  
14 the following applies:

15 1. The person had an alcohol concentration of 0.15 or more at the time of the  
16 offense.

17 2. The person has a total of one or more prior convictions, suspensions, or  
18 revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person's  
19 lifetime and other convictions, suspensions, and revocations counted under s.  
20 343.307 (1).

21 **SECTION 28.** 343.301 (1m) of the statutes is created to read:

22 343.301 **(1m)** If equipping each motor vehicle with an ignition interlock device  
23 under sub. (1g) would cause an undue financial hardship, the court may order that  
24 one or more vehicles described sub. (1g) not be equipped with an ignition interlock  
25 device.

1           **SECTION 29.** 343.301 (2) of the statutes is repealed.

2           **SECTION 30.** 343.301 (3) (b) of the statutes is created to read:

3           343.301 **(3)** (b) If the court finds that the person who is subject to an order under  
4 sub. (1g) has a household income that is at or below 150 percent of the nonfarm  
5 federal poverty line for the continental United States, as defined by the federal  
6 department of labor under 42 USC 9902 (2), the court shall limit the person's liability  
7 under par. (a) to one-half of the cost of equipping each motor vehicle with an ignition  
8 interlock device and one-half of the cost per day per vehicle of maintaining the  
9 ignition interlock device.

10          **SECTION 31.** 343.301 (5) of the statutes is created to read:

11          343.301 **(5)** If the court enters an order under sub. (1g), the court shall impose  
12 and the person shall pay to the clerk of court an ignition interlock surcharge of \$50.  
13 The clerk of court shall transmit the amount to the county treasurer.

14          **SECTION 32.** 343.305 (8) (b) 5. (intro.) of the statutes is amended to read:

15          343.305 **(8)** (b) 5. (intro.) If the hearing examiner finds that any of the following  
16 applies, the examiner shall order that the administrative suspension of the person's  
17 operating privilege be rescinded without payment of any fee under s. 343.21 (1) (j),  
18 (jr), or (n):

19          **SECTION 33.** 343.305 (8) (c) 5. of the statutes is amended to read:

20          343.305 **(8)** (c) 5. If any court orders under this subsection that the  
21 administrative suspension of the person's operating privilege be rescinded, the  
22 person need not pay any fee under s. 343.21 (1) (j), (jr), or (n).

23          **SECTION 34.** 343.305 (10g) of the statutes is created to read:

24          343.305 **(10g)** SUSPENSIONS AND REVOCATIONS; EXTENSIONS. For any suspension  
25 or revocation the court orders under sub. (10), the court shall extend the suspension

1 or revocation period by the number of days to which the court sentences the person  
2 to imprisonment in a jail or prison.

3 **SECTION 35.** 343.305 (10m) of the statutes is repealed and recreated to read:

4 **343.305 (10m)** REFUSALS; IGNITION INTERLOCK OF A MOTOR VEHICLE. The  
5 requirements and procedures for installation of an ignition interlock device under s.  
6 343.301 apply when an operating privilege is revoked under sub (10).

7 **SECTION 36.** 343.31 (4) of the statutes is created to read:

8 **343.31 (4)** For any revocation the department orders under sub. (1) (a), if the  
9 offense is criminal under 940.09 and involved the use of a motor vehicle, or if the  
10 offense is criminal under s. 940.25, (am), (ar), or (b) or under sub. (3) the department  
11 shall extend the revocation period by the number of days to which a court sentences  
12 the person to imprisonment in a jail or prison.

13 **SECTION 37.** 343.38 (2) of the statutes is amended to read:

14 **343.38 (2)** REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER  
15 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the  
16 laws of this state is reinstated as a matter of law when the period of revocation has  
17 expired and such nonresident obtains a valid operator's license issued by the  
18 jurisdiction of the nonresident's residence and pays the fees specified in s. 343.21 (1)  
19 (j), (jr), if applicable, and (n).

20 **SECTION 38.** 343.39 (1) (a) of the statutes is amended to read:

21 **343.39 (1) (a)** When, in the case of a suspended operating privilege, the period  
22 of suspension has terminated, the fees specified in s. 343.21 (1) (j), (jr), if applicable,  
23 and (n) have been paid to the department and, for reinstatement of an operating  
24 privilege suspended under ch. 344, the person files with the department proof of

1 financial responsibility, if required, in the amount, form and manner specified under  
2 ch. 344.

3 **SECTION 39.** 345.47 (1) (c) of the statutes, as affected by 2009 Wisconsin Act 17,  
4 is amended to read:

5 345.47 (1) (c) If a court or judge suspends an operating privilege under this  
6 section, the court or judge shall immediately take possession of the suspended license  
7 and shall forward it to the department together with the notice of suspension, which  
8 shall clearly state that the suspension was for failure to pay a forfeiture, plus costs,  
9 fees, and surcharges imposed under ch. 814 or for failure to comply with an  
10 installment payment plan ordered by the court. The notice of suspension and the  
11 suspended license, if it is available, shall be forwarded to the department within 48  
12 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges  
13 imposed under ch. 814, are paid during a period of suspension, or if the court orders  
14 an installment payment plan under sub. (4), the court or judge shall immediately  
15 notify the department. Upon receipt of the notice and payment of the fees under s.  
16 343.21 (1) (j), (jr), if applicable, and (n), the department shall return the surrendered  
17 license.

18 **SECTION 40.** 346.65 (2) (am) 3. of the statutes is amended to read:

19 346.65 (2) (am) 3. Except as provided in pars. (cm), (f), and (g), shall be fined  
20 not less than \$600 nor more than \$2,000 and imprisoned for not less than ~~30~~ 45 days  
21 nor more than one year in the county jail if the number of convictions under ss. 940.09  
22 (1) and 940.25 in the person's lifetime, plus the total number of suspensions,  
23 revocations, and other convictions counted under s. 343.307 (1), equals 3, except that  
24 suspensions, revocations, or convictions arising out of the same incident or  
25 occurrence shall be counted as one.

**SECTION 41.** 346.65 (2) (am) 4. of the statutes is amended to read:

346.65 **(2)** (am) 4. Except as provided in subd. 4m. and pars. (dm). (f), and (g), shall be fined not less than \$600 nor more than \$2,000 and imprisoned for not less than 60 days nor more than one year in the county jail if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 4, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

**SECTION 42.** 346.65 (2) (am) 4m. of the statutes is created to read:

346.65 **(2)** (am) 4m. Except as provided in pars. (f) and (g), is guilty of a Class H felony and shall be fined not less than \$600 and imprisoned for not less than 6 months if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 4 and the person committed an offense that resulted in a suspension, revocation, or other conviction counted under s. 343.307 (1) within 5 years prior to the day of current offense, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.

**SECTION 43.** 346.65 (2) (am) 6. of the statutes is amended to read:

346.65 **(2)** (am) 6. Except as provided in par. (f), is guilty of a Class G felony if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 7, 8, or 9, except that suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one.



1     The confinement portion of a bifurcated sentence imposed on the person under s.  
2     973.01 shall be not less than 3 years.

3             **SECTION 44.** 346.65 (2) (am) 7. of the statutes is amended to read:

4             346.65 **(2)** (am) 7. Except as provided in par. (f), is guilty of a Class F felony if  
5     the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime,  
6     plus the total number of suspensions, revocations, and other convictions counted  
7     under s. 343.307 (1), equals 10 or more except that suspensions, revocations, or  
8     convictions arising out of the same incident or occurrence shall be counted as one.

9     The confinement portion of a bifurcated sentence imposed on the person under s.  
10    973.01 shall be not less than 4 years.

11            **SECTION 45.** 346.65 (2) (bm) of the statutes is amended to read:

12            346.65 **(2)** (bm) In Winnebago County, any county that opts to offer a reduced  
13    minimum period of imprisonment for the successful completion of a probation period  
14    that includes alcohol and other drug treatment, if the number of convictions under  
15    ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
16    suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
17    a 10-year period, equals 2, except that suspensions, revocations, or convictions  
18    arising out of the same incident or occurrence shall be counted as one, the fine shall  
19    be the same as under par. (am) 2., but the period of imprisonment shall be not less  
20    than 5 days, except that if the person successfully completes a period of probation  
21    that includes alcohol and other drug treatment, the period of imprisonment shall be  
22    not less than 5 nor more than 7 days. A person may be sentenced under this  
23    paragraph or under par. (cm) or (dm) or sub. (2j) (bm) ~~or (cm)~~, or (cr) or (3r) once in  
24    his or her lifetime.

25            **SECTION 46.** 346.65 (2) (cm) of the statutes is amended to read:

1           346.65 (2) (cm) In Winnebago County any county that opts to offer a reduced  
2           minimum period of imprisonment for the successful completion of a probation period  
3           that includes alcohol and other drug treatment, if the number of convictions under  
4           ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
5           suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~  
6           ~~a 10-year period~~, equals 3, except that suspensions, revocations, or convictions  
7           arising out of the same incident or occurrence shall be counted as one, the fine shall  
8           be the same as under par. (am) 3., but the period of imprisonment shall be not less  
9           than ~~30~~ 45 days, except that if the person successfully completes a period of probation  
10          that includes alcohol and other drug treatment, the period of imprisonment shall be  
11          not less than ~~10~~ 14 days. A person may be sentenced under this paragraph or under  
12          par. (bm) or (dm) or sub. (2j) (bm) ~~or~~ (cm), or (cr) or (3r) once in his or her lifetime.

13           **SECTION 47.** 346.65 (2) (dm) of the statutes is created to read:

14          346.65 (2) (dm) In any county that opts to offer a reduced minimum period of  
15          imprisonment for the successful completion of a probation period that includes  
16          alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
17          and 940.25 in the person's lifetime, plus the total number of suspensions,  
18          revocations, and other convictions counted under s. 343.307 (1) equals 4, and par.  
19          (am) 4m. does not apply, except that suspensions, revocations, or convictions arising  
20          out of the same incident or occurrence shall be counted as one, the fine shall be the  
21          same as under par. (am) 4., but the period of imprisonment shall be not less than 60  
22          days, except that if the person successfully completes a period of probation that  
23          includes alcohol and other drug treatment, the period of imprisonment shall be not  
24          less than 29 days. A person may be sentenced under this paragraph or under par.  
25          (bm) or (cm) or sub. (2j) (bm), (cm), or (cr) or (3r) once in his or her lifetime.

1           **SECTION 48.** 346.65 (2) (f) of the statutes is renumbered 346.65 (2) (f) 2. and  
2 amended to read:

3           346.65 **(2)** (f) 2. If there was a minor passenger under 16 years of age in the  
4 motor vehicle at the time of the violation that gave rise to the conviction under s.  
5 346.63 (1), the applicable minimum and maximum forfeitures, fines, ~~or~~ and  
6 imprisonment under par. (am) 2. to 7. for the conviction are doubled. An offense  
7 under s. 346.63 (1) that subjects a person to a penalty under par. (am) 3., 4., 4m. 5.,  
8 6., or 7. when there is a minor passenger under 16 years of age in the motor vehicle  
9 is a felony and the place of imprisonment shall be determined under s. 973.02.

10           **SECTION 49.** 346.65 (2) (f) 1. of the statutes is created to read:

11           346.65 **(2)** (f) 1. If there was a minor passenger under 16 years of age in the  
12 motor vehicle at the time of the violation that gave rise to the conviction under s.  
13 346.63 (1), the person shall be fined not less than \$350 nor more than \$1,100 and  
14 imprisoned for not less than 5 days nor more than 6 months, except as provided in  
15 subd. 2.

16           **SECTION 50.** 346.65 (2c) of the statutes is amended to read:

17           346.65 **(2c)** In sub. (2) (am) 2., 3., 4., 4m. 5., 6., and 7., the time period shall  
18 be measured from the dates of the refusals or violations that resulted in the  
19 revocation or convictions. If a person has a suspension, revocation, or conviction for  
20 any offense under a local ordinance or a state statute of another state that would be  
21 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count  
22 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., 4m. 5.,  
23 6., and 7.

24           **SECTION 51.** 346.65 (2g) (a) of the statutes is amended to read:

1           346.65 **(2g)** (a) In addition to the authority of the court under s. 973.05 (3) (a)  
2 to provide that a defendant perform community service work for a public agency or  
3 a nonprofit charitable organization in lieu of part or all of a fine imposed under sub.  
4 (2) (am) 2., 3., 4., 4m. and 5., (f), and (g) and except as provided in par. (ag), the court  
5 may provide that a defendant perform community service work for a public agency  
6 or a nonprofit charitable organization in lieu of part or all of a forfeiture under sub.  
7 (2) (am) 1. or may require a person who is subject to sub. (2) to perform community  
8 service work for a public agency or a nonprofit charitable organization in addition  
9 to the penalties specified under sub. (2).

10           **SECTION 52.** 346.65 (2g) (ag) of the statutes is amended to read:

11           346.65 **(2g)** (ag) If the court determines that a person does not have the ability  
12 to pay a fine imposed under sub. (2) (am) 2., 3., 4., 4m. or 5., (f), or (g), the court shall  
13 require the defendant to perform community service work for a public agency or a  
14 nonprofit charitable organization in lieu of paying the fine imposed or, if the amount  
15 of the fine was reduced under sub. (2e), in lieu of paying the remaining amount of the  
16 fine. Each hour of community service performed in compliance with an order under  
17 this paragraph shall reduce the amount of the fine owed by an amount determined  
18 by the court.

19           **SECTION 53.** 346.65 (2j) (am) 3. of the statutes is amended to read:

20           346.65 **(2j)** (am) 3. Except as provided in pars. (cm), (cr), and (d), shall be fined  
21 not less than \$600 nor more than \$2,000 and imprisoned for not less than 30 45 days  
22 nor more than one year in the county jail if the number of convictions under ss. 940.09  
23 (1) and 940.25 in the person's lifetime, plus the total number of other convictions,  
24 suspensions, and revocations, counted under s. 343.307 (2), equals 3 or more.

25           **SECTION 54.** 346.65 (2j) (bm) of the statutes is amended to read:

1           346.65 (2j) (bm) In Winnebago County any county that opts to offer a reduced  
2           minimum period of imprisonment for the successful completion of a probation period  
3           that includes alcohol and other drug treatment, if the number of convictions under  
4           ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
5           suspensions, revocations, and other convictions counted under s. 343.307 (1) within  
6           a 10-year period, equals 2, except that suspensions, revocations, or convictions  
7           arising out of the same incident or occurrence shall be counted as one, the fine shall  
8           be the same as under par. (am) 2., but the period of imprisonment shall be not less  
9           than 5 days, except that if the person successfully completes a period of probation  
10          that includes alcohol and other drug treatment, the period of imprisonment shall be  
11          not less than 5 nor more than 7 days. A person may be sentenced under this  
12          paragraph or under par. (cm) or (cr) or sub. (2) (bm) ~~or (cm)~~, or (dm) or (3r) once in  
13          his or her lifetime.

14           **SECTION 55.** 346.65 (2j) (cm) of the statutes is amended to read:

15           346.65 (2j) (cm) In Winnebago County any county that opts to offer a reduced  
16           minimum period of imprisonment for the successful completion of a probation period  
17           that includes alcohol and other drug treatment, if the number of convictions under  
18           ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of  
19           suspensions, revocations, and other convictions counted under s. 343.307 (1) ~~within~~  
20           ~~a 10-year period~~, equals 3 ~~or more~~, except that suspensions, revocations, or  
21           convictions arising out of the same incident or occurrence shall be counted as one, the  
22           fine shall be the same as under par. (am) 3., but the period of imprisonment shall be  
23           not less than ~~30~~ 45 days, except that if the person successfully completes a period of  
24           probation that includes alcohol and other drug treatment, the period of  
25           imprisonment shall be not less than ~~10~~ 14 days. A person may be sentenced under

1 this paragraph or under par. (bm) or (cr) or sub. (2) (bm) ~~or~~ (cm), or (dm) or (3r) once  
2 in his or her lifetime.

3 **SECTION 56.** 346.65 (2j) (cr) of the statutes is created to read:

4 346.65 **(2j)** (cr) In any county that opts to offer a reduced minimum period of  
5 imprisonment for the successful completion of a probation period that includes  
6 alcohol and other drug treatment, if the number of convictions under ss. 940.09 (1)  
7 and 940.25 in the person's lifetime, plus the total number of suspensions,  
8 revocations, and other convictions counted under s. 343.307 (1) equals 4, and sub. (2)  
9 (am) 4m. does not apply, except that suspensions, revocations, or convictions arising  
10 out of the same incident or occurrence shall be counted as one, the fine shall be the  
11 same as under par. (am) 3., but the period of imprisonment shall be not less than 60  
12 days, except that if the person successfully completes a period of probation that  
13 includes alcohol and other drug treatment, the period of imprisonment shall be not  
14 less than 29 days. A person may be sentenced under this paragraph or under par.  
15 (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) once in his or her lifetime.

16 **SECTION 57.** 346.65 (2q) of the statutes is amended to read:

17 346.65 **(2q)** Any person violating s. 346.63 (2m) shall forfeit \$200. If there was  
18 a minor passenger under 16 years of age in the motor vehicle at the time of the  
19 violation that gave rise to the conviction under 346.63 (2m), the ~~forfeiture is person~~  
20 shall be fined \$400.

21 **SECTION 58.** 346.65 (3m) of the statutes is amended to read:

22 346.65 **(3m)** Except as provided in sub. (3p) or (3r), any person violating s.  
23 346.63 (2) or (6) shall be fined not less than \$300 nor more than \$2,000 and may be  
24 imprisoned for not less than 30 days nor more than one year in the county jail. If  
25 there was a minor passenger under 16 years of age in the motor vehicle at the time

1 of the violation that gave rise to the conviction under s. 346.63 (2) or (6), the offense  
2 is a felony, the applicable minimum and maximum fines or periods of imprisonment  
3 for the conviction are doubled and the place of imprisonment shall be determined  
4 under s. 973.02.

5 **SECTION 59.** 346.65 (3p) of the statutes is created to read:

6 346.65 **(3p)** Any person violating s. 346.63 (2) or (6) is guilty of a Class H felony  
7 if the person has one or more prior convictions, suspensions, or revocations, as  
8 counted under s. 343.307 (1). If there was a minor passenger under 16 years of age  
9 in the motor vehicle at the time of the violation that gave rise to the conviction under  
10 s. 346.63 (2) or (6), the offense is a felony and the applicable maximum fines or  
11 periods of imprisonment for the conviction are doubled.

12 **SECTION 60.** 346.65 (3r) of the statutes is amended to read:

13 346.65 **(3r)** In ~~Winnebago County~~ any county that opts to offer a reduced  
14 minimum period of imprisonment for the successful completion of a probation period  
15 that includes alcohol and other drug treatment, any person violating s. 346.63 (2) or  
16 (6) shall be fined the same as under sub. (3m), but the period of imprisonment shall  
17 be not less than 30 days, except that if the person successfully completes a period of  
18 probation that includes alcohol and other drug treatment, the period of  
19 imprisonment shall be not less than 15 days. If there was a minor passenger under  
20 16 years of age in the motor vehicle at the time of the violation that gave rise to the  
21 conviction under s. 346.63 (2) or (6), the offense is a felony, the applicable minimum  
22 and maximum fines or periods of imprisonment for the conviction are doubled and  
23 the place of imprisonment shall be determined under s. 973.02. A person may be  
24 sentenced under this subsection or under sub. (2) (bm) or (cm) or (2j) (bm) or (cm) once



1 in his or her lifetime. This subsection does not apply to a person sentenced under sub.  
2 (3p).

3 **SECTION 61.** 346.65 (6) of the statutes is repealed.

4 **SECTION 62.** 346.65 (7) of the statutes is amended to read:

5 346.65 (7) A person convicted under sub. (2) (am) 2., 3., 4., 4m., 5., 6., or 7. or  
6 (2j) (am) 2. or 3. shall be required to remain in the county jail for not less than a  
7 48–consecutive–hour period.

8 **SECTION 63.** 346.65 (8) of the statutes is repealed.

9 **SECTION 64.** 346.655 (1) of the statutes is amended to read:

10 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63  
11 (1) or (5), ~~except for a first violation of s. 346.63 (1) (b), if the person who committed~~  
12 ~~the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at~~  
13 ~~the time of the violation,~~ or a local ordinance in conformity therewith, or s. 346.63  
14 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall  
15 impose a driver improvement surcharge under ch. 814 in an amount of \$365 in  
16 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under  
17 ch. 814.

18 **SECTION 65.** 347.413 (title) and (1) of the statutes are amended to read:

19 **347.413 (title) Ignition interlock device tampering; failure to install.**

20 (1) No person may remove, disconnect, tamper with, or otherwise circumvent the  
21 operation of an ignition interlock device installed in response to the court order under  
22 s. 346.65 (6), 1999 stats., or s. 343.301 (1), or fail to have the ignition interlock device  
23 installed as ordered by the court. This subsection does not apply to the removal of  
24 an ignition interlock device upon the expiration of the order requiring the motor



1 vehicle to be so equipped or to necessary repairs to a malfunctioning ignition  
2 interlock device by a person authorized by the department.

3 **SECTION 66.** 347.417 (1) of the statutes is amended to read:

4 347.417 (1) No person may remove, disconnect, tamper with, or otherwise  
5 circumvent the operation of any immobilization device installed in response to a  
6 court order under s. 346.65 (6), 1999 stats., or s. 343.301 (2), 2007 stats. This  
7 subsection does not apply to the removal of an immobilization device pursuant to a  
8 court order or to necessary repairs to a malfunctioning immobilization device.

9 **SECTION 67.** 347.417 (2) of the statutes is amended to read:

10 347.417 (2) The department shall design a warning label which shall be affixed  
11 by the owner of each immobilization device before the device is used to immobilize  
12 any motor vehicle under s. 346.65 (6), 1999 stats., or s. 343.301 (2), 2007 stats. The  
13 label shall provide notice of the penalties for removing, disconnecting, tampering  
14 with, or otherwise circumventing the operation of the immobilization device.

15 **SECTION 68.** 347.50 (1s) of the statutes is amended to read:

16 347.50 (1s) Any person violating s. 347.413 (1) or 347.417 (1) may be required  
17 ~~to forfeit~~ fined not less than \$150 nor more than \$600, or may be imprisoned for not  
18 more than 6 months, or both for the first offense. For a 2nd or subsequent conviction  
19 within 5 years, the person may be fined not less than \$300 nor more than \$1,000, or  
20 imprisoned for not more than 6 months, or both.

21 **SECTION 69.** 347.50 (1t) of the statutes is created to read:

22 347.50 (1t) In addition to the penalty under sub. (1s), if a person who is subject  
23 to an order under s. 343.301 violates s. 347.413, the court shall extend the order  
24 under s. 343.301 (1g) or (2m) for 6 months for each violation.

25 **SECTION 70.** 757.05 (1) (a) of the statutes is amended to read:

1           757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of  
2 state law or for a violation of a municipal or county ordinance except for a violation  
3 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~or for a first violation of s.~~  
4 ~~23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who~~  
5 ~~committed the violation had a blood alcohol concentration of 0.08 or more but less~~  
6 ~~than 0.1 at the time of the violation,~~ or for a violation of state laws or municipal or  
7 county ordinances involving nonmoving traffic violations, violations under s. 343.51  
8 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in  
9 addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or  
10 forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be  
11 based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is  
12 suspended in whole or in part, the penalty surcharge shall be reduced in proportion  
13 to the suspension.

14           **SECTION 71.** 814.60 (1) of the statutes is amended to read:

15           814.60 (1) In a criminal action, the clerk of circuit court shall collect a fee of \$20  
16 \$163 for all necessary filing, entering, or recording, to be paid by the defendant when  
17 judgment is entered against the defendant. Of the fees received by the clerk of circuit  
18 court under this subsection, the county treasurer shall pay 50% 93.87 percent to the  
19 secretary of administration for deposit in the general fund and shall retain the  
20 balance for the use of the county.

21           **SECTION 72.** 814.63 (1) (c) of the statutes is amended to read:

22           814.63 (1) (c) This subsection does not apply to an action for a violation of s.  
23 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), ~~for a first violation of s. 23.33~~  
24 ~~(4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who~~  
25 ~~committed the violation had a blood alcohol concentration of 0.08 or more but less~~

1     ~~than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b), or a~~  
2     safety belt use violation under s. 347.48 (2m).

3           **SECTION 73.** 814.63 (2) of the statutes is amended to read:

4           814.63 **(2)** Upon the disposition of a forfeiture action in circuit court for  
5     violation of a county, town, city, village, town sanitary district or public inland lake  
6     protection and rehabilitation district ordinance, except for an action ~~for a first~~  
7     ~~violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the~~  
8     ~~person who committed the violation had a blood alcohol concentration of 0.08 or more~~  
9     ~~but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m)~~  
10    (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village,  
11    town sanitary district or public inland lake protection and rehabilitation district  
12    shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

13          **SECTION 74.** 814.65 (1) of the statutes is amended to read:

14          814.65 **(1)** COURT COSTS. In a municipal court action, except for an action ~~for~~  
15    ~~a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1)~~  
16    ~~(b), if the person who committed the violation had a blood alcohol concentration of~~  
17    ~~0.08 or more but less than 0.1 at the time of the violation, or for a violation of an~~  
18    ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge  
19    shall collect a fee of not less than \$15 nor more than \$28 on each separate matter,  
20    whether it is on default of appearance, a plea of guilty or no contest, on issuance of  
21    a warrant or summons, or the action is tried as a contested matter. Of each fee  
22    received by the judge under this subsection, the municipal treasurer shall pay  
23    monthly \$5 to the secretary of administration for deposit in the general fund and  
24    shall retain the balance for the use of the municipality.

1           **SECTION 75.** 814.65 (1) of the statutes, as affected by 2009 Wisconsin Acts 28  
2 and .... (this act), is repealed and recreated to read:

3           **814.65 (1) COURT COSTS.** In a municipal court action, for a financial  
4 responsibility violation under s. 344.62 (2) or for a violation of an ordinance in  
5 conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect  
6 a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is  
7 on default of appearance, a plea of guilty or no contest, on issuance of a warrant or  
8 summons, or the action is tried as a contested matter. Of each fee received by the  
9 judge under this subsection, the municipal treasurer shall pay monthly \$5 to the  
10 secretary of administration for deposit in the general fund and shall retain the  
11 balance for the use of the municipality.

12           **SECTION 76.** 814.75 (9m) of the statutes is created to read:

13           **814.75 (9m)** The ignition interlock surcharge under s. 343.301 (5).

14           **SECTION 77.** 814.76 (7m) of the statutes is created to read:

15           **814.76 (7m)** The ignition interlock surcharge under s. 343.301 (5).

16           **SECTION 78.** 814.78 (7m) of the statutes is created to read:

17           **814.78 (7m)** The ignition interlock surcharge under s. 343.301 (5).

18           **SECTION 79.** 814.79 (4r) of the statutes is created to read:

19           **814.79 (4r)** The ignition interlock surcharge under s. 343.301 (5).

20           **SECTION 80.** 814.85 (1) (a) of the statutes is amended to read:

21           **814.85 (1) (a)** Except for an action for ~~a first violation of s. 23.33 (4c) (a) 2.,~~  
22 ~~30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the~~  
23 ~~violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the~~  
24 ~~time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use~~  
25 ~~violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68~~

1 court support services surcharge from any person, including any governmental unit  
2 as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or  
3 814.63 (1).

4 **SECTION 81.** 814.85 (1) (a) of the statutes, as affected by 2009 Wisconsin Acts  
5 28 and .... (this act), is repealed and recreated to read:

6 814.85 (1) (a) Except for an action for a financial responsibility violation under  
7 s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
8 under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court  
9 support services surcharge from any person, including any governmental unit as  
10 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63  
11 (1).

12 **SECTION 82.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
13 section 3240, is amended to read:

14 814.86 (1) Except for an action for ~~a first violation of s. 23.33 (4c) (a) 2., 30.681~~  
15 ~~(1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation~~  
16 ~~had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the~~  
17 ~~violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under~~  
18 s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice  
19 information system surcharge from any person, including any governmental unit, as  
20 defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62  
21 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in  
22 addition to the surcharge listed in sub. (1m).

23 **SECTION 83.** 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act 28,  
24 section 3240m, and 2009 Wisconsin Act .... (this act), is repealed and recreated to  
25 read:

1           **814.86 (1)** Except for an action for a financial responsibility violation under s.  
2           344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation  
3           under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice  
4           information system surcharge from any person, including any governmental unit, as  
5           defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62  
6           (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in  
7           addition to the surcharge listed in sub. (1m).

8           **SECTION 84.** 940.09 (1d) of the statutes is repealed and recreated to read:

9           **940.09 (1d)** A person who violates sub. (1) is subject to the requirements and  
10          procedures for installation of an ignition interlock device under s. 343.301.

11          **SECTION 85.** 940.25 (1d) of the statutes is repealed and recreated to read:

12          **940.25 (1d)** A person who violates sub. (1) is subject to the requirements and  
13          procedures for installation of an ignition interlock device under s. 343.301.

14          **SECTION 86.** 969.01 (2) (a) of the statutes is amended to read:

15          **969.01 (2) (a)** Release pursuant to s. 969.02 or 969.03 may be allowed in the  
16          discretion of the trial court after conviction and prior to sentencing or the granting  
17          of probation. This paragraph does not apply to a conviction for a 3rd or subsequent  
18          violation that is counted as a suspension, revocation, or conviction under s. 343.307,  
19          or under s. 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

20          **SECTION 87.** 973.05 (2m) (rm) of the statutes is created to read:

21          **973.05 (2m) (rm)** To the payment of the ignition interlock surcharge under s.  
22          343.301 (5) until paid in full.

23          **SECTION 88.** 973.09 (1) (d) (intro.) of the statutes is renumbered 973.09 (1) (d)  
24          and amended to read:

1           973.09 (1) (d) If a person is convicted of an offense that provides a mandatory  
2 or presumptive minimum period of one year or less of imprisonment, a court may  
3 place the person on probation under par. (a) if the court requires, as a condition of  
4 probation, that the person be confined under sub. (4) for at least that mandatory or  
5 presumptive minimum period. The person is eligible to earn good time credit  
6 calculated under s. 302.43 regarding the period of confinement. ~~This paragraph does~~  
7 ~~not apply if the conviction is for any of the following:~~

8           **SECTION 89.** 973.09 (1) (d) 1. of the statutes is repealed.

9           **SECTION 90.** 973.09 (1) (d) 2. of the statutes is repealed.

10          **SECTION 91.** 973.09 (1) (d) 3. of the statutes is repealed.

11          **SECTION 92.** 973.09 (2) (am) of the statutes is created to read:

12           973.09 (2) (am) Notwithstanding par. (a) 1. d., and except as provided in par.  
13 (a) 2., for a misdemeanor punishable under s. 346.65 (2) (am) 4., not less than 6  
14 months nor more than 3 years.

15          **SECTION 93.** 973.15 (8) (a) 3. of the statutes is amended to read:

16           973.15 (8) (a) 3. For not more than 60 days, except that the court may not stay  
17 execution of a person's sentence of imprisonment or to the intensive sanctions  
18 program under this subdivision if the sentence is for a 3rd or subsequent violation  
19 that is counted as a suspension, revocation, or conviction under s. 343.307, or a  
20 violation of s. 940.09 (1) or 940.25 in the person's lifetime, or a combination thereof.

21          **SECTION 93g.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

22           [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001  
23 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary  
24 of administration shall lapse to the general fund or transfer to the general fund from  
25 the unencumbered balances of appropriations to executive branch state agencies,



1 other than sum sufficient appropriations and appropriations of federal revenues, an  
2 amount equal to \$200,000,000 during the 2007–09 fiscal biennium and \$200,000,000  
3 during the 2009–11 fiscal biennium. This paragraph shall not apply to  
4 appropriations to the Board of Regents of the University of Wisconsin System and  
5 to the technical college system board or to the appropriation account under section  
6 20.410 (1) (bd) of the statutes.

7 **SECTION 93r.** 2009 Wisconsin Act 2, section 9201 (1) (b), as last affected by 2009  
8 Wisconsin Act 28, section 3416d, is amended to read:

9 [2009 Wisconsin Act 2] Section 9201 (1) (b) Notwithstanding section 20.001 (3)  
10 (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (c), the secretary of  
11 administration shall lapse or transfer to the general fund from the unencumbered  
12 balances of appropriations to executive branch state agencies, other than sum  
13 sufficient appropriations and appropriations of federal revenues, an amount equal  
14 to \$125,000,000 before July 1, 2011. The amounts lapsed or transferred under this  
15 paragraph shall be in addition to the amounts lapsed or transferred under 2007  
16 Wisconsin Act 20, section 9201 (1c) (a) to (c). The amount required to be lapsed or  
17 transferred under this paragraph is increased by an additional \$354,807,600 from  
18 available balances in appropriations and funds. No moneys may be lapsed under this  
19 paragraph from the appropriation account under section 20.410 (1) (bd) of the  
20 statutes.

21 **SECTION 94. Nonstatutory provisions.**

22 (1) The department of administration, on behalf of and with the assistance of  
23 the state public defender, district attorneys, the director of state courts, the  
24 department of justice, and the department of corrections, shall, not later than 60  
25 days after the effective date of this subsection, submit to the joint committee on



1 finance a request for funding for a proposed number of created positions and a  
2 request for funding necessary to process offenses related to operating a motor vehicle  
3 while under the influence of an intoxicant, a controlled substance, a controlled  
4 substance analog, or any combination of an intoxicant, a controlled substance, and  
5 a controlled substance analog, under the influence of any other drug to a degree that  
6 renders him or her incapable of safely driving, or under the combined influence of an  
7 intoxicant and any other drug to a degree that renders him or her incapable of safely  
8 driving or operating a motor vehicle with a prohibited alcohol concentration or a  
9 detectable amount of a restricted controlled substance in his or her blood.

10 **SECTION 95. Fiscal changes.**

11 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation  
12 to the joint committee on finance under section 20.865 (4) (a) of the statutes, as  
13 affected by the acts of 2009, the dollar amount is increased by \$8,800,000 for the  
14 second fiscal year of the fiscal biennium in which this subsection takes effect to fund  
15 increased state costs associated with this act.

16 **SECTION 96. Initial applicability.**

17 (1) This act first applies to violations that are committed or refusals that occur  
18 on the effective date of this subsection, but does not preclude the counting of other  
19 convictions, suspensions, or revocations as prior convictions, suspensions, or  
20 revocations for purposes of administrative action by the department of  
21 transportation, sentencing by a court, or revocation or suspension of motor vehicle  
22 operating privileges.

23 **SECTION 97. Effective dates.** This act takes effect on July 1, 2010, except as  
24 follows:

(1) The repeal and recreation of sections 343.10 (2) (a) (intro.) and 343.23 (2) (b) of the statutes takes effect on the day after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is later.

(2) The repeal of section 346.65 (8) of the statutes, the amendment of section 346.65 (2) (bm) and (cm), (2j) (bm) and (cm), and (3r) of the statutes, and the creation of sections 346.65 (2) (dm) and (2j) (cr) of the statutes and SECTIONS 94 and 95 of this act take effect on the day after publication.

**(END)**